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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/928,559

09/12/97

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EXAMINER

PEESO, T

ART UNIT

PAPER NUMBER

2764

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DATE MAILED:

12/16/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/928,559**

Applicant(s)  
**Fraser et al.**

Examiner  
**Thomas Peeso**

Group Art Unit  
**2764**



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-38 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6, 9-15, 18-21, 28-35, and 38 is/are rejected.
- ☒ Claim(s) 7, 8, 16, 17, 22-27, 36, and 37 is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 19, 20 and 21 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by U.S. Patent No. 5,611,052 to Dykstra et al.

As per claims 1 and 19, Dykstra et al. disclose maintaining a database (fig. 2A, item 108), status information (col. 4, lines 64-66) and searching and modifying the database by requests to a server (col. 3, lines 53-56).

As per claims 2 and 21, Dykstra et al. disclose home mortgage load applications (col. 4, lines 15-16).

As per claim 20, Dykstra et al. do disclose this feature (col. 3, lines 49-50).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6, 9-15, 18, 28-35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al.

As per claims 3 and 4, Dykstra et al. do not specifically disclose these limitations. It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have included these features in the method disclosed by Dykstra et al. since it allows for competitive performance which is beneficial to the applicant.

As per claim 5, Dykstra et al. do disclose these features (col. 4, lines 13-14).

As per claim 6, Dykstra et al. do not disclose this feature. It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have included this feature in the method of Dykstra et al. since it would make sense that this information is made known in order to give each lender an equal opportunity to bid.

As per claims 9-11, 28-30, Dykstra et al. do not disclose these limitations. It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have included these features in the method of Dykstra et al. since they provide necessary information about an applicant on a real-time basis.

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As per claims 12 and 31, Dykstra et al. disclose this limitation (col. 4, lines 58-60).

As per claims 13 and 32, Dykstra et al. do not disclose this feature. It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have included this feature in the method of Dykstra et al. since it eliminates the possibility of redundancy and reduces unnecessary costs.

As per claims 14, 33 and 34, Dykstra et al. do specifically disclose this feature. It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have included this feature in the method of Dykstra et al. since it affords a degree of protection if any adverse conditions may exist.

As per claims 15 and 35, Dykstra et al. do not disclose this feature. It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have included this feature in the method of Dykstra et al. since it affords some degree of security and protection for an individual's method of doing business.

As per claims 18 and 38, Dykstra et al. do not disclose this limitation. It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have included this feature in the method of Dykstra et al. since it saves time and reduces cost to have this information on hand if and when it is needed.

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***Allowable Subject Matter***

3. Claims 7, 8, 16, 17, 22-27, 36, 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

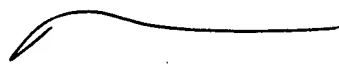
(703) 308-5356 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, V.A., Sixth Floor (receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Thomas Peeso whose telephone number is (703) 305-9784. The examiner can normally be reached on Monday -Thursday from 7am to 5pm. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Emanuel Voeltz, can be reached on (703) 305-9714.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



**Thomas Peeso**  
**Primary Examiner**  
**Art Unit 2764**  
13 Dec 98